

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN F. RICHARDS,)	
Plaintiff)	
)	
VS.)	CIVIL ACTION NO. 04-10291-RWZ
)	
MASSACHUSETTS DEPARTMENT OF)	
CORRECTION; ET AL,)	
Defendants)	

**MEDICAL DEFENDANTS' MOTION
FOR ENTRY OF SEPARATE AND FINAL JUDGMENT
PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 54(b)**

NOW COME the Medical Defendants, *UMass Correctional Health Program, M.L. Angeles, M.D., Khalid Mohamed, M.D., Dr. Childs, Asma Ahmed, N.P., and Jane Doe, Physical Therapist* (the "Medical Defendants"), and respectfully move this Honorable Court to enter separate and final judgment on all claims against them in this action, pursuant to Federal Rules of Civil Procedure 54(b).

As grounds therefor, the Medical Defendants¹ state the following:

1. This is a civil rights action. Plaintiff contends that the Medical Defendants were deliberately indifferent to his "serious medical needs." Plaintiff sought injunctive relief only from the Medical Defendants.

¹ The remaining defendants, Massachusetts Department of Correction, Kathleen Dennehy, and Carol Mici, are represented by separate counsel.

2. On or about March 24, 2004, the Court (Zobel, J.) Ordered that the Court will not order service on the “private medical providers,” due to the nature of plaintiff’s requested relief. The private medical providers are M.L. Angeles, M.D., Khalid Mohamed, M.D., Dr. Childs, Asma Ahmed, N.P., and Jane Doe, Physical Therapist.

3. On or about June 4, 2004, UMass Correctional Health Program (“UCHP”) filed, with the Court, a Motion for Summary Judgment. Specifically, UCHP argued that it was not deliberately indifferent to the plaintiff’s serious medical needs and that there is no respondeat superior liability for the alleged civil rights violations. The “private medical providers” were not parties to the Summary Judgment Motion as they were never served pursuant to a Court Order and, consequently, not active participants in this case.

4. On or about February 8, 2005, the Court (Zobel, J.) granted UCHP’s Motion for Summary Judgment.

5. For the reasons set forth above, the Medical Defendants (UMass Correctional Health Program, M.L. Angeles, M.D., Khalid Mohamed, M.D., Dr. Childs, Asma Ahmed, N.P., and Jane Doe, Physical Therapist), are entitled to entry of separate and final judgment as to all of plaintiff’s claims. Further, there is no just reason for delaying the entry of separate and final judgment in this matter.

WHEREFORE, the Medical Defendants (UMass Correctional Health Program, M.L. Angeles, M.D., Khalid Mohamed, M.D., Dr. Childs, Asma Ahmed, N.P., and Jane Doe, Physical Therapist) respectfully request that this Honorable Court expressly determine that there is no just reason for delay and allow the Medical Defendants’ Motion for Entry of Separate and Final Judgment, pursuant to Federal Rules of Civil Procedure 54(b).

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on the _____ day of _____, 2005.

Respectfully submitted,

The Defendants,
***UMASS CORRECTIONAL HEALTH
PROGRAM,
M.L. ANGELES, M.D.
KHALID MOHAMED, M.D.,
DR. CHILDS,
ASMA AHMED, N.P.
JANE DOE, PHYSICAL THERAPIST***

By their attorneys,

MORRISON MAHONEY LLP

/s/ Charles M. Urso

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